

**AMSTER
ROTHSTEIN
& EBENSTEIN LLP**
Intellectual Property Law

90 Park Avenue
New York NY 10016
Main 212 336 8000
Fax 212 336 8001
Web www.arelaw.com

Partners
Daniel Ebenstein
Neil M. Zipkin
Anthony F. Lo Cicero
Kenneth P. George
Chester Rothstein
Charles R. Macedo
Douglas A. Miro
Brian A. Comack
Max Vern
Holly Pekowsky
Benjamin M. Halpern*
Mark Berkowitz
Charles P. LaPolla

Founding Partners
Morton Amster (1927 - 2019)
Jesse Rothstein (1934 - 2003)

Senior Counsel
Marion P. Metelski
Alan D. Miller, Ph.D.
Marc J. Jason
Richard S. Mandaro
Matthieu Hausig
Brian Amos, Ph.D.

Associates
Benjamin Charkow
Suzue Fujimori
Hajime Sakai, Ph.D.
David P. Goldberg
Sandra A. Hudak
Tuvia Rotberg
Dexter Chang
Keith J. Barkaus
Michael R. Jones
Christopher Lisiewski
Albert J. Boardman

Of Counsel
Philip H. Gottfried

* Not admitted in New York

March 24, 2020

Mark Berkowitz
Direct 212 336 8063
E-mail mberkowitz@arelaw.com

Via ECF

The Honorable Cheryl L. Pollak, U.S.M.J.
United States District Court, E.D.N.Y.
225 Cadman Plaza East
Brooklyn, NY 11201

Re: *Energizer Brands, LLC v. My Battery Supplier, LLC*,
Civil Action No. 1:19-cv-06486-AMD-CLP
Parties' Proposed Discovery Plan in the Event that Discovery Is Not Stayed

Dear Judge Pollak:

We write on behalf of Plaintiff Energizer Brands, LLC ("Energizer") and Defendant My Battery Supplier ("MBS") in advance of the hearing on MBS's motion to stay discovery and the initial scheduling conference to be held telephonically tomorrow, March 25 at 10:30 a.m.

Pursuant to Your Honor's February 4, 2020 Order, the parties understand that, if no stay is granted during tomorrow's conference, the Court will proceed with setting all deadlines for discovery. Accordingly, the parties hereby submit their proposed discovery plan pursuant to Fed. R. Civ. P. 26(f), in the event that MBS's stay request is denied.

Respectfully submitted,

AMSTER, ROTHSTEIN & EBENSTEIN LLP

s/ Mark Berkowitz

Mark Berkowitz

cc: All Counsel of Record (via ECF)